

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

vs.

3.070 ACRES OF LAND, MORE OR
LESS, SITUATE IN STARR COUNTY,
STATE OF TEXAS; AND LUIS
ERNESTO GONZALEZ AND SONIA
GONZALEZ, ET AL.,

Defendants.

**ANSWER, AFFIRMATIVE
DEFENSES, DEMAND FOR VIEW
AND DEMAND FOR JURY TRIAL OF
DEFENDANTS DARLENE K. LUND
BAILEY, JOHN D. LUND, TANDY Z.
LUND HINRICHS, DINA M. LUND
CASTANEDA**

CIVIL NO. 7:20-cv-433

COME NOW, the Defendants, Darlene K. Lund Bailey, John D. Lund, Tandy Z. Lund Hinrichs, Dina M. Lund Castaneda (Collectively, “Defendants”), by and through their undersigned counsel and answer the complaint of Plaintiff United States of America (“USA”) as follows:

ANSWER

1. Answering Paragraph 1, Defendants admit 28 U.S.C. §1358 confers jurisdiction on this court. Defendants do not admit that the Plaintiff has the right and authority to the relief it seeks and for which the action was filed.
2. Answering Paragraph 2, Defendants admit 28 U.S.C. §1358 confers jurisdiction on this court. Defendants do not admit that the Plaintiff has the right and authority to the relief it seeks and for which the action was filed.
3. Answering Paragraph 3, Defendants are without information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 3, and therefore deny same.

4. Denied that allegations provide a public purpose.

5. Answering Paragraph 5, Defendants admit they own property in Starr County, Texas and that USA is seeking to condemn property interests from Defendants. Defendants do not admit that the Plaintiff has the right and authority to the relief it seeks and for which the action was filed, and deny the balance of the allegations contained in Paragraph 5.

6. Answering Paragraph 6, Defendants admit that USA is seeking to condemn property interests from Defendants. Defendants do not admit that the Plaintiff has the right and authority to the relief it seeks and for which the action was filed, and denies the balance of the allegations contained in Paragraph 6.

7. Answering Paragraph 7, Defendants deny that the sum represents just compensation.

8. Answering Paragraph 8, Defendants are without information sufficient to form a belief as to the truth or falsity of what is known to USA.

9. Without knowledge, therefore denied.

DEFENSES AND OBJECTIONS TO THE TAKING

Defendants repeat and incorporate by reference the answers and responses to Paragraphs 1 to 9 of the Complaint as if fully set forth herein.

Based on the information presently available, Defendants allege that the border wall project has been cancelled and that the property is not needed by USA.

DEMAND FOR VIEW AND FOR JURY TRIAL

Defendants hereby make a demand that the finder of fact view the subject property; and further, pursuant to Rules 38 and 71.1(h), Federal Rules of Civil Procedure, the Defendants hereby make demand for a jury trial.

WHEREFORE, Defendants pray and demand that USA's Complaint be dismissed and that the relief requested be denied or, in the alternative, if USA is allowed to proceed forward with condemnation of Defendants' property, and following a jury trial enter judgment that Defendants be paid full, fair and just compensation for taking the property described in the Complaint, and be paid all other damages awardable under state substantive law as well, including severance damages, costs, interest, and attorneys fees.

Respectfully Submitted,

By:



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